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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,410	07/18/2003	Kirby Files	6186.4	4190

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MUNSCH, HARDT, KOPF & HARR, P.C.
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EXAMINER

IBRAHIM, MOHAMED

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/622,410

Applicant(s)

FILES ET AL.

Examiner

Mohamed Ibrahim

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/2004, 7/18/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 13-18 and 21-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As for claims 1 and 13 are directed to a method that consists of the steps of receiving, generating, updating and determining configuration data for a packet, which amounts to only thought. Thus the claims do not recite a result of the received packet which is useful, concrete and tangible nor is there a physical transformation, so as to be available for use in a practical application.

As for claims 21 and 27, it is fine that the recited instructions the claims are stored in a computer readable medium however, these instructions still need to produce useful, concrete and tangible result. Therefore, similarly claims 21 and 27 are rejected for lacking tangible result.

Claims that depend from the above addressed independent claims are also rejected for the same reason of lacking tangible result.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins III et al.(Collins), U. S. Patent No. 5845090.

Regarding claim 1, Collins discloses a method, comprising: receiving a service request for adding, modifying or canceling a packet transport service having defined service levels of one or more packet networks (see e.g. fig. 5B, col. 7 lines 34-49 and col. 8 lines 22-38;a target computer requests packages from Stage Server and when target requests the package, it reports its values for known criteria so that the Transfer Daemon removes optional data files in turn the modified package is received by the Target); and automatically generating configuration data for one or more of a plurality of network elements of said one or more packet networks necessary for implementing the service request (see e.g. col. 1 lines 48-62, col. 3 lines 27-49 and col. 10 lines 32-45;each package contains one or more data items which depend on pre-specified configuration values of the target that are selected during the transfer).

Regarding claim 2, Collins discloses further comprising automatically determining which of the plurality of network elements will be affected by the service request (see e.g. col. 5 lines 50-62 and col. 6 lines 58-64).

Regarding claim 3, Collins discloses wherein automatically generating configuration data includes generating confirmation data based at least in part on data from a network

database storing current configuration data for said one or more network elements (see e.g. col. 6 lines 21-34; configuration data is extracted from a database).

Regarding claim 4, Collins discloses wherein automatically generating configuration data further comprises automatically generating said configuration data based at least in part on a predefined script (see e.g. col. 5 lines 1-3 and col. 6 lines 9-18).

Regarding claim 5, Collins discloses wherein generating configuration data includes populating predefined templates with data from a network database storing configuration data on the one or more network elements and new configuration data based on the service request (see e.g. col. 2 lines 55-63, col. 5 lines 12-21 and col. 8 lines 22-32).

Regarding claim 6, Collins discloses further comprising running one or more automated routines for automatically populating the templates with data from the network database and the new data (see e.g. col. 6 lines 19-30).

Regarding claim 7, Collins discloses further comprising verifying that said configuration data is consistent with a configuration of said one or more packet networks (see e.g. col. 7 lines 50-63).

Regarding claim 8, Collins discloses further comprising updating a network database,

storing configuration data for said one or more network elements with said generated configuration data (see e.g. col. 5 lines 12-49).

Regarding claim 9, Collins discloses further comprising automatically updating a configuration of said one or more network elements based with generated configuration data (see e.g. col. 1 lines 47-55).

Regarding claim 10, Collins discloses further comprising verifying that said updated configuration of said one or more network elements is consistent with configuration data, for said one or more network elements, stored in a network database (see e.g. col. 2 lines 55-60 and col. 12 lines 53-57).

Regarding claim 11, Collins discloses wherein said verifying step comprises: retrieving said configuration data regarding said one or more network elements from said network database (see e.g. col. 6 lines 19-27); identifying one or more fields in said updated configuration of said one or more network elements (see e.g. col. 5 lines 50-54); and comparing values of said one or more identified fields with values of corresponding fields in said retrieved configuration data (see e.g. col. 4 lines 1-11).

Regarding claim 12, Collins discloses further comprising generating an exception in response to said values of said one or more identified fields not matching said values of corresponding fields in said retrieved configuration data (see e.g. col. 5 lines 23-34).

Regarding claim 13, Collins discloses a method for generating a network element specific configuration (see e.g. col. 1 lines 37-55 and fig. 2; configuring a target computer), comprising: receiving a request for adding, modifying or canceling a service on one or more packet networks (see e.g. fig. 5B, col. 7 lines 34-49 and col. 8 lines 22-38; a target computer requests packages from Stage Server and when target requests the package, it reports its values for known criteria so that the Transfer Daemon removes optional data files in turn the modified package is received by the Target); updating, upon receiving said request, one or more corresponding objects for said service in a network database comprising of network element inventory data for a plurality of network elements of said one or more packet networks (see e.g. col. 5 lines 12-49; software packages are transferred from a central repository for installation on a target computer); determining which ones of said plurality of network elements are affected by said request (see e.g. col. 5 lines 50-62 and col. 6 lines 58-64; system identifies target computer that are to receive package); and automatically generating configuration data, for each of said one or more affected network elements, from at least said network element inventory data and one or more of a plurality of template fragments comprising predefined configuration text (see e.g. col. 1 lines 48-62, col. 3 lines 27-49, col. 6 lines 42-50 and col. 10 lines 32-45; each package contains one or more data items which depend on pre-specified configuration values of the target that are selected during the transfer).

Regarding claim 14, Collins discloses further comprising retrieving one or more selected script objects from a plurality of script objects, each of said selected script objects specifying a network element specific script for a corresponding one of said one or more affected network elements (see e.g. col. 5 line 1-3 and col. 10 lines 46-52).

Regarding claim 15, Collins discloses further comprising obtaining abstract connectivity information for each of said one or more affected network elements from said network database (see e.g. col. 2 lines 55-63).

Regarding claim 16, Collins discloses wherein said abstract connectivity information specifies a manner of connection between said one or more affected network elements (see e.g. col. 2 line 64-col. 3 line 15).

Regarding claim 17, Collins discloses wherein said automatically generating configuration data further comprises: selecting said one or more of said plurality of template fragments; and assembling said selected template fragments into a template (see e.g. col. 5 line 1-3, col. 6 lines 19-36 and col. 10 lines 46-52).

Regarding claim 18, Collins discloses further comprising populating said assembled template with said network element inventory data (see e.g. col. 6 lines 19-24).

Regarding claim 19, Collins discloses further comprising communicating said

configuration data to each of said one or more affected network elements (see e.g. col. 1 line 47-52).

Regarding claim 20, Collins discloses wherein said automatically generating step is performed prior to said communicating step (col. 3 lines 31-45 and 6 lines 19-24).

Regarding independent claim 21, the limitations of this claim have already been addressed (see claim 1 above).

Regarding claim 22, the limitation of this claim has already been addressed (see claim 2 above).

Regarding claim 23, the limitation of this claim has already been addressed (see claim 3 above).

Regarding claim 24, the limitation of this claim has already been addressed (see claim 4 above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 6

above).

Regarding claim 27, Collins discloses a computer readable storage medium comprising: stored metadata for describing elements of a packet network, relationships between the elements of the packet network, and types of properties to be stored with respect to each element of the packet network; and fields defined by the metadata for storing configuration data (see e.g. col. 4 line 66-col.5 line 10 and col. 9 line 18-21; each package has data file that specifies attribute of the packet, name, type, identifier and description. Packages can be stored in a permanent storage or a computer memory).

Conclusion

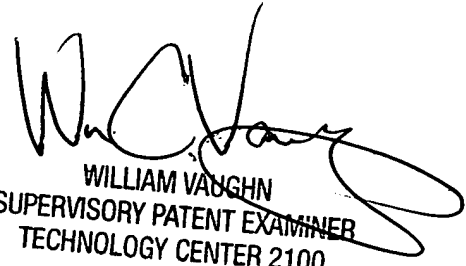
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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